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C4-971A**Remarks**

Claims 28-54 are pending in this application. Claims 28-54 are rejected. No new matter has been added. It is respectfully submitted that the pending claims define allowable subject matter.

As an initial matter, the Office Action was made final after the filing of a Request for Continued Examination (RCE) stating that all claims could have been finally rejected on the grounds and art of record in the next Office Action if they had been entered in the application prior to entry under 37 C.F.R. 1.114. Applicants respectfully submit that the amendment filed October 21, 2005 could not have been finally rejected on the grounds and art of record in the next Office Action. The grounds of rejection cannot be the same because the claims were amended to include the recitation that the control zones are selectable. Further, the Office Action commented on the amendment, but indicated that the previous Office Actions inherently indicated that the control zone type was selected. This is a different grounds of rejection. Making the new inherency argument is a different grounds of rejection. There is simply no indication or statements in the previous Office Actions of an inherency grounds of rejection as now being argued. There is simply no basis in the previous Office Actions for such an argument that the control zones are selectable. The only indication is that the system inherently provides visual data indicating the type of control zone under surveillance, not that the control zone type is selectable. The present Office Action clearly adds a new grounds of rejection that the "reference *also* teaches that control zones can be output to a single monitor selectively..." (January 25 Office Action, page 3, emphasis added). Accordingly, the grounds of rejection are different. Thus, Applicants respectfully request removal of the finality of the Office Action.

Claims 28-35 and 40-50 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Okuyama et al. (U.S. Patent 5,467,402). Applicants respectfully traverse the under 35 U.S.C. § 102(b) rejection.

Okuyama et al. describes a distributed image recognizing system having a plurality of image recognizing systems communicating with a centralized control apparatus, which forms tuning parameters to control the image recognizing systems (abstract). In particular, image

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recognizing systems 11, 21, and 31 are provided such that one system is assigned to one measuring point. The image recognizing systems 11, 21, and 31 are constructed by ITV cameras 5, 15, and 25 for inputting images and image processing sections 10, 20, and 30 for processing the images which are input from the ITV cameras and executing various image instrumentations. The image recognizing systems 11, 21, and 31 have similar constructions and differ from the conventional techniques in that individual data input/output sections such as consoles, monitors, and the like for each system are eliminated and a monitor 130 and a console 140 which are provided in a centralized control apparatus 100 (column 3, lines 37-48). The centralized control apparatus 100, concentratedly executes the instrumentation controls of the image recognizing systems 11, 21, and 31 which are distributed and arranged. The centralized control apparatus 100 comprises: a multiplexer (MPX) 110 for switching a plurality of transmission paths connected thereto; a data processing section 120 for executing communication and arithmetic operations of the image data and the like; a monitor 130 to display the image data; and a console 140 for inputting tuning data and the like and outputting the results of the instrumentations from the image recognizing systems 11, 21, and 31 (column 4, lines 16-27). The data processing section 120 includes a CPU 121, which is a control processor for transmitting activation commands of the image recognizing systems 11, 21, and 31 and executing the formation and the like of tuning parameters on the basis of the image data which are sent from the image recognizing systems 11, 21, and 31 (column 4, lines 28-35).

For the transmitted image, the centralized control apparatus 100 executes a process to display the image onto the monitor 130 and a process to form the tuning parameters (tuning parameter formation 1) in the data processing section 120. At this time, the operator can provide tuning parameters such as the optimum measuring area, the weather such as rain, fine, or the like, the presence or absence of the occurrence of a shadow, the direction, and the like from the console 140 while observing the image displayed on the monitor 130. The data processing section 120 can form more accurate tuning parameters on the basis of those instructions. The resultant tuning parameters are transmitted to the image recognizing system 11 through the transmission line 1 (column 5, lines 17-29).

Further, an image, for example, obtained by photographing a road is transmitted from the image recognizing system to the centralized control apparatus 100 and stored into the

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image memory 123 of the data processing section 120. At the same time, the image is also displayed by the monitor 130. The operators observe the image displayed on the monitor 130 and indicate a measuring area necessary, for example, for traffic flow instrumentation to the system via the console 140 (column 6, lines 32-39).

Additionally, a discriminating method may be used to eliminate shadows from an image. This includes registering knowledge for the measuring process during an offline state. For example, the measuring area may be used to measure traffic flow with the discriminating method used to discriminate between cars and shadows (column 8, line 8 to column 9, line 45).

Claim 28, as amended, recites a method for defining a control zone in a field of view of a motion video camera comprising "receiving indication of a tracking zone within the field of view" and "receiving indication of a selected region within the tracking zone having a selectable control zone." Okuyama et al. fails to describe or suggest such a method.

The system of Okuyama et al. allows a user to select a measuring area within a field of view to measure activity (e.g., traffic flow) only in that area. Further, methods may be implemented by the system to discriminate erroneous detections using registered knowledge. Okuyama et al. does not describe or suggest a selected region within a tracking zone that defines a selectable control zone. The system of Okuyama et al. allows a user to select a particular area for measuring within the field of view. However, the system does not then allow any type of further selection including selecting a region within the user defined measuring area that defines a selectable control zone. Accordingly, the system of Okuyama et al. cannot receive an indication of a selected region within a tracking zone defining a selectable control zone. This level of selectivity and granularity is simply not described or suggested by Okuyama et al. Thus, Okuyama et al. does not describe or suggest a method as recited in claim 28.

Claims 29-35 depend from independent claim 28. When the recitations of claims 29-35 are considered in combination with the recitations of claim 28, Applicants submit that dependent claims 29-35 are likewise patentable over Okuyama et al. for at least the same reasons set forth above.

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Claim 40, as amended, recites a system for defining control zones of different types in a field of view of a motion video camera comprising "means for defining a plurality of control zones in a selected area of the field of view of the motion video camera, said control zones being of a type selected from said plurality of control zone types in said database and defining a tracking behavior for the control zone." Okuyama et al. fails to describe or suggest such a system.

The system of Okuyama et al. allows selection of a measuring area within a field of view to measure activity (e.g., traffic flow) only in that area. However, there is no description or suggestion in Okuyama et al. of defining a plurality of control zones in a selected area of a field of view. Further, Okuyama et al. simply does not suggest different control zone types having different tracking behaviors associated therewith. Okuyama et al. describes a single discrimination method that may be varied based on numerous input parameters. However, nowhere in Okuyama et al. is there description or suggestion of different control zones with different tracking behaviors and defining a plurality of control zones in a selected area of a field of view. Thus, Okuyama et al. does not describe or suggest a system as recited in claim 40.

Claims 41 and 42 depend from independent claim 40. When the recitations of claims 41 and 42 are considered in combination with the recitations of claim 40, Applicants submit that dependent claims 41 and 42 are likewise patentable over Okuyama et al. for at least the same reasons set forth above.

Claim 43, as amended, recites a computer readable medium having stored thereon computer-executable instructions for defining a control zone in a field of view of a motion video camera performing the steps comprising "receiving indication of a tracking zone within the field of view" and "receiving indication of a selected region within the tracking zone having a selectable control zone type." Okuyama et al. fails to describe or suggest such a computer readable medium. As discussed in more detail above with respect to claim 28, Okuyama et al. simply does not describe or suggest receiving indication of a selected region within a tracking zone defining a selectable control zone type. Thus, Okuyama et al. does not describe or suggest a computer readable medium as recited in claim 43.

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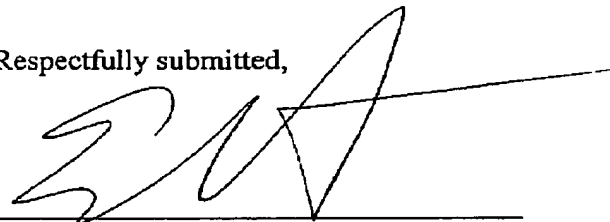
Claims 44-50 depend from independent claim 43. When the recitations of claims 44-50 are considered in combination with the recitations of claim 43, Applicants submit that dependent claims 44-50 are likewise patentable over Okuyama et al. for at least the same reasons set forth above.

Claims 36-39 and 51-54 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Okuyama et al. (U.S. Patent 5,467,402). Applicants respectfully traverse the under 35 U.S.C. § 103(a) rejection.

Claims 36-39 depend from independent claim 28 and claims 51-54 depend from independent claim 43. When the recitations of claims 36-39 and 51-54 are considered in combination with the recitations of claims 28 and 43, respectively, Applicants submit that dependent claims 36-39 and 51-54 are likewise patentable over Okuyama et al. for at least the same reasons set forth above.

Accordingly, in view of the foregoing amendments and remarks, it is respectfully submitted that the prior art fails to teach or suggest the claimed invention and all of the pending claims in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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